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20 M.D.; RUSSELL J. SHAH, MD, LTD.; DIPTI
21 R. SHAH, MD, LTD.; and RADAR
22 MEDICAL GROUP, LLP dba UNIVERSITY
23 URGENT CARE

24 UNITED STATES DISTRICT COURT
25 DISTRICT OF NEVADA

26 ALLSTATE INSURANCE COMPANY,
27 ALLSTATE PROPERTY & CASUALTY
28 INSURANCE COMPANY, ALLSTATE
INDEMNITY COMPANY, and ALLSTATE
FIRE & CASUALTY INSURANCE
COMPANY,

29 Plaintiffs,

30 vs.

31 RUSSELL J. SHAH, M.D.; DIPTI R. SHAH,
32 M.D.; RUSSELL J. SHAH, MD, LTD.; DIPTI
33 R. SHAH, MD, LTD.; and RADAR MEDICAL
34 GROUP, LLP dba UNIVERSITY URGENT
35 CARE, Does 1-100, and ROES 101-200,

36 Defendants.

37 AND RELATED CLAIMS.

38 Case No. 2:15-cv-01786-APG-DJA

39 **STIPULATION AND ORDER TO
40 EXTEND DEADLINE TO FILE
41 STIPULATION AND JOINT STATUS
42 REPORT**

43 **(First Request)**

1 Defendants and Counterclaimant Russell J. Shah, M.D., Dipti R. Shah M.D., Russell J. Shah,
2 MD, Ltd., Dipti R. Shah, MD, Ltd., and Radar Medical Group, LLP d/b/a University Urgent Care
3 (collectively, the “Radar Parties”) and Plaintiffs/Counterdefendants Allstate Insurance Company,
4 Allstate Property & Casualty Insurance Company, Allstate Indemnity Company, and Allstate Fire &
5 Casualty Insurance Company (collectively, the “Allstate Parties”), by and through their respective
6 attorneys of record, stipulate and agree as follows:

7 1. On July 17, 2023, the Court entered its Order [ECF No. 583] granting in part the
8 Radar Parties' Motion for Summary Judgment on Allstate's Causes of Action in its First Amended
9 Complaint [ECF Nos. 460/461]. The Court directed the parties to confer regarding which of the
10 remaining 197 patients underlying Allstate's causes of action should be dismissed in accordance
11 with the Court's decision and, by September 1, 2023, to prepare and file: (i) a stipulation and
12 proposed order identifying those patients for whom the parties agree are subject to dismissal (the
13 "Stipulation"); and (ii) a joint status report identifying those patients for whom the parties disagree
14 are subject to dismissal, together with the parties' respective positions (the "Joint Status Report").

15 2. After analyzing the Court’s July 17, 2023 Order, a copy of which had been received
16 in the mail on July 24, 2023, several members of the Radar Parties’ counsel spent a considerable
17 amount of time reviewing – in detail – the 19 days of Fed. R. Civ. P. 30(b)(6) deposition transcripts
18 for the Allstate Parties involving each of the patients underlying Allstate’s causes of action, together
19 with the various exhibits to those transcripts and other pertinent documents relating or attached to
20 the Radar Parties’ summary judgment motion. The same is true for the Allstate Parties’ counsel.

21 3. Upon completing their review, the Radar Parties' counsel prepared an Excel
22 spreadsheet containing the first and last names and claim numbers of the patients underlying
23 Allstate's causes of action and highlighting (in yellow) those patients who the Radar Parties
24 reasonably believe are subject to dismissal pursuant to the Court's July 17, 2023 Order.¹

25 4. On August 25, 2023, the Radar Parties' counsel sent the Excel spreadsheet to the
26 Allstate Parties' counsel for review. The Radar Parties' counsel requested that the Allstate Parties'

¹ The Radar Parties' counsel also highlighted (in red) those patients who the Allstate Parties had previously dismissed from their causes of action.

1 counsel indicate whether they agreed with the Radar Parties' assessment. If not, the Radar Parties'
 2 counsel requested that the Allstate Parties' counsel remove the yellow highlighting for each patient
 3 for whom the Allstate Parties contend remains at issue. From there, the parties will discuss the
 4 reasons for and against dismissal of certain patients in a good faith attempt to limit the number of
 5 patients (if any) for whom the Court will decide are subject to dismissal.

6 5. Since receiving the Excel spreadsheet, several members of the Allstate Parties'
 7 counsel have been diligently comparing the patients highlighted in yellow on it with their own
 8 assessment of the patients who are or may be subject to dismissal pursuant to the Court's July 17,
 9 2023 Order.

10 6. Due to the importance of identifying each patient who is subject to dismissal;
 11 scheduling conflicts for respective counsel for the parties;² and in order to allow the parties a full and
 12 complete opportunity to confer regarding which patients may, or may not, be subject to dismissal
 13 and then set forth, in writing, their reasons in the event that a consensus is not reached despite their
 14 best efforts, the parties respectfully request that the Court extend the deadline for compliance with
 15 the July 17, 2023 Order by two weeks, until September 15, 2023.

16 7. This is the first request to extend the deadline for filing the Stipulation and the Joint
 17 Status Report pursuant to the Court's July 17, 2023 Order; and

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26 ² Within the last month, the Radar Parties' counsel have had to address time sensitive matters in other cases,
 27 including, without limitation, expert reports in two different cases and a reply brief on appeal in another case. Likewise,
 28 the Allstate Parties' counsel have had to handle a number of substantive filings in other cases, including, without
 limitation, the filing of two appellate briefs, an anti-SLAPP motion and a motion to dismiss in Federal Court, and an
 opposition to a motion to disqualify the firm in a California state court matter, along with depositions in various cases.

1 8. This stipulation is submitted in good faith and not to delay the proceedings.

2 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

3 DATED this 31st day of August, 2023.

3 DATED this 31st day of August, 2023.

4 McCORMICK, BARSTOW, SHEPPARD,
5 WAYTE & CARRUTH LLP

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13 *Attorneys for Defendants & Counterclaimant*

14 **IT IS SO ORDERED.**



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16 UNITED STATES DISTRICT JUDGE

17 DATED: September 5, 2023

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